

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Good Essential-U Street, LLC	
t/a TICO	Protest
1926 14th Street, NW	Hearing
Retailer CR - ANC-2B	(Status)
License No. 93610	
Case #14-PRO-00016	
(New Application)	

April 9, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

P-R-O-C-E-E-D-I-N-G-S

(9:36 a.m.)

CHAIRPERSON MILLER: Good morning, ladies and gentlemen. I would like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Today is April 9, 2014.

My name is Ruthanne Miller. I'm the Chair. Joining me to my far right is Mr. Donald Brooks. Mr. Nick Alberti will be joining us shortly. And to my immediate right is Mr. Hector Rodriguez. To my immediate left is Mr. Mike Silverstein and next to Mr. Silverstein is Mr. James Short.

We have five Members right now in attendance for the conduct of business and three constitute a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from

1 any disruptive noises or actions in the
2 hearing room.

3 If you have any electronic
4 devices, pagers, cell phones or such, please,
5 make certain that they are turned off to avoid
6 any interruption of the proceedings.

7 When I call your case, please,
8 come forward and take a seat at the table.
9 You will note that there is a piece of paper
10 on each table for you to sign-in. This is to
11 ensure the correct spelling of your name for
12 the record.

13 The Open Meetings Act requires
14 that the public hearing on each case be open
15 to the public. The Board may, consistent with
16 Section 405(b) of the Open Meetings Act, enter
17 a closed meeting during or after the public
18 hearing on a case to consult with an attorney
19 to obtain legal advice, discuss settlement
20 agreements or deliberate upon a decision in an
21 adjudication proceeding.

22 Okay. We will now move to the

1 first case on the morning calendar and that is
2 Case No. 14-PRO-00016, TICO located at 1926
3 14th Street, N.W., License No. 93610, in ANC-
4 2B. And this involves a protest of a new
5 application.

6 MR. KLINE: Good morning, Andrew
7 Kline here for the applicant.

8 CHAIRPERSON MILLER: Good morning.

9 MR. KLINE: Go ahead.

10 MR. SCHLOW: Michael Schlow, good
11 morning.

12 CHAIRPERSON MILLER: Morning.

13 MR. KLINE: Mr. Schlow is the
14 chef/owner of TICO.

15 CHAIRPERSON MILLER: Okay.

16 MR. FERRIS: Elwyn Ferris on
17 behalf of the Shaw Dupont Citizens Alliance.

18 CHAIRPERSON MILLER: All right.
19 I'm going to schedule this for Protest Hearing
20 and read you the instructions for that, but
21 first want to check and make sure if there is
22 any issues you want to bring to our attention?

1 MR. KLINE: No.

2 MR. FERRIS: For us, no.

3 CHAIRPERSON MILLER: Okay. Fine.

4 In which case, the Protest Hearing date is
5 April 30, 2014 at 1:30 p.m.

6 I want to remind the parties the
7 purpose of a Protest Hearing is to determine
8 the appropriateness of the establishment in
9 the section of the District where the
10 establishment is located.

11 What is most important to remind
12 you is that seven days before the date of the
13 hearing, you are to submit a Protest
14 Information Form, which identifies your issues
15 and your witnesses as well as an Exhibit Form
16 which identifies the exhibits that you intend
17 to submit. You need to serve these forms on
18 the opposing parties as well as file them with
19 ABRA and Ms. Anderson, in particular.

20 If we don't receive a copy of your
21 PIF, your application or your protest may be
22 subject to dismissal. Likewise, if we don't

1 receive a copy of the Exhibit Form and the
2 exhibits themselves, your exhibits may be
3 excluded from the record upon a finding that
4 the opposing party has been prejudiced or no
5 good cause for the failure to submit has been
6 shown.

7 Likewise, witnesses other than a
8 party may also be subject to exclusion if not
9 identified on the PIF. So these forms are
10 very important. They assist the Board in
11 narrowing the protest issues and providing
12 notice to each side and focusing the hearing.

13 So do you have any questions?

14 Okay. But you know, these hearings seem to be
15 lasting a long time and I'm really not sure
16 why. I think that if you can focus on
17 whatever it is as the main issue, all the
18 other ones should not really be -- shouldn't
19 waste time on, if you get that far.

20 Maybe you will settle. I don't
21 know. But anyway, if you don't have any other
22 questions, we will see you on the 30th, unless

1 you do come to an agreement. Okay. Thank
2 you.

3 MR. KLINE: Thank you.

4 MR. FERRIS: Thank you.

5 CHAIRPERSON MILLER: Okay.

6 (Whereupon, the Protest (Status)
7 Hearing in the above-entitled matter was
8 concluded at 9:41 a.m.)

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A	C	E	important 5:11	4:8,11,12
a.m 2:2 7:8 above-entitled 7:7 ABRA 5:19 Act 3:13,16 actions 3:1 adjudication 3:21 advice 3:19 agenda 2:19 agreement 7:1 agreements 3:20 ahead 4:9 Alberti 1:17 2:10 Alcoholic 1:2,11,12 2:6 Alliance 4:17 ANC 4:3 ANC-2B 1:7 Anderson 5:19 Andrew 4:6 anyway 6:21 applicant 4:7 application 1:9 4:5 5:21 appropriateness 5:8 April 1:10 2:7 5:5 assist 6:10 attendance 2:16 attention 4:22 attorney 3:18 available 2:19 avoid 3:5 aware 2:20	calendar 2:18 4:1 call 3:7 case 1:8 3:7,14,18 4:1,2 5:4 cause 6:5 cell 3:4 certain 3:5 Chair 2:9 Chairperson 1:13 1:16 2:3 4:8,12,15 4:18 5:3 7:5 check 4:21 chef/owner 4:14 Citizens 4:17 closed 3:17 Columbia 1:1 2:6 come 3:8 7:1 concluded 7:8 conduct 2:16 consistent 3:15 constitute 2:17 consult 3:18 Control 1:2,11,12 2:7 Copies 2:18 copy 5:20 6:1 correct 3:11 court 2:21 CR 1:7	electronic 3:3 Elwyn 4:16 ensure 3:11 enter 3:16 Essential-U 1:5 establishment 5:8 5:10 excluded 6:3 exclusion 6:8 Exhibit 5:15 6:1 exhibits 5:16 6:2,2	Information 5:14 instructions 4:20 intend 5:16 interruption 3:6 involves 4:4 issue 6:17 issues 4:22 5:14 6:11	move 3:22
B	D	G	J	N
behalf 4:17 Beverage 1:2,11,12 2:6 Board 1:2,12 2:7 3:15 6:10 bring 4:22 Brooks 1:17 2:10 Building 1:12 business 2:16	D.C 1:13 date 5:4,12 days 5:12 decision 3:20 deliberate 3:20 desk 2:20 determine 5:7 devices 3:4 discuss 3:19 dismissal 5:22 disruptive 3:1 District 1:1 2:6 5:9 Donald 1:17 2:10 Dupont 4:17	failure 6:5 far 2:9 6:19 Ferris 4:16,16 5:2 7:4 file 5:18 finding 6:3 Fine 5:3 first 4:1,21 five 2:15 focus 6:16 focusing 6:12 Form 5:14,15 6:1 forms 5:17 6:9 forward 3:8	James 1:19 2:14	N.W 1:13 4:3 name 2:8 3:11 narrowing 6:11 need 5:17 new 1:9 4:4 Nick 1:17 2:10 noises 3:1 note 3:9 notice 6:12 NW 1:6
B	D	I	K	O
		gentlemen 2:4 Go 4:9 going 4:19 good 1:5 2:3 4:6,8 4:10 6:5	Kline 4:6,7,9,13 5:1 7:3 know 6:14,21	obtain 3:19 Okay 3:22 4:15 5:3 6:14 7:1,5 ones 6:18 open 3:13,14,16 opposing 5:18 6:4
B	D	I	L	P
		identified 6:9 identifies 5:14,16 immediate 2:11,12	ladies 2:4 lasting 6:15 left 2:12 legal 3:19 License 1:7 4:3 Likewise 5:22 6:7 LLC 1:5 located 4:2 5:10 long 6:15	P-R-O-C-E-E-D-... 2:1 p.m 5:5 paggers 3:4 paper 3:9 particular 5:19 parties 5:6,18 party 6:4,8 phones 3:4 piece 3:9 PIF 5:21 6:9 please 2:20 3:4,7 prejudiced 6:4 PRESENT 1:15 presiding 1:14 proceeding 3:21 proceedings 2:20 3:6 protest 1:6 4:4,19 5:4,7,13,21 6:11 7:6 providing 6:11 public 3:14,15,17

purpose 5:7	Status 1:7 7:6	20009 1:13		
Q	Street 1:5,6,13 4:3	2014 1:10 2:7 5:5		
questions 6:13,22	subject 5:22 6:8	2B 4:4		
quorum 2:17	submit 5:13,17 6:5	3		
R	Suite 1:13	30 5:5		
read 4:20	sure 4:21 6:15	30th 6:22		
really 6:15,18	T	4		
receive 5:20 6:1	t/a 1:6	400S 1:13		
receptionist 2:19	table 3:8,10	405(b) 3:16		
record 3:12 6:3	take 3:8	5		
recorded 2:21	Thank 7:1,3,4	6		
Reeves 1:12	think 6:16	7		
refrain 2:22	three 2:17	8		
regularly 2:5	TICO 1:6 4:2,14	9		
remind 5:6,11	time 6:15,19	9 1:10 2:7		
reporter 2:21	Today 2:7	9:36 2:2		
requires 3:13	today's 2:18	9:41 7:8		
Retailer 1:7	turned 3:5	93610 1:7 4:3		
right 2:9,11,15 4:18	U			
Rodriguez 1:18	V			
2:12	W			
room 1:12 3:2	want 4:21,22 5:6			
Ruthanne 1:13,16	Washington 1:13			
2:8	waste 6:19			
S	welcome 2:4			
schedule 4:19	witnesses 5:15 6:7			
scheduled 2:5	X			
Schlow 4:10,10,13	Y			
seat 3:8	Z			
section 3:16 5:9	0			
see 6:22	1			
serve 5:17	1:30 5:5			
settle 6:20	14-PRO-00016 1:8			
settlement 3:19	4:2			
seven 5:12	14th 1:6,12 4:3			
Shaw 4:17	1926 1:6 4:2			
Short 1:19 2:14	2			
shortly 2:11	2000 1:12			
shown 6:6				
side 6:12				
sign-in 3:10				
Silverstein 1:18				
2:13,14				
spelling 3:11				